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OLC 75-0659

7 March 1975

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with Jack Marsh and Phillip Buchen, of the
White House Staff

25X1A 1. While I was in Max Friedersdorf's office today, Jack Marsh came in and asked if I would drop by for a chat with him. He brought up the subject of the meeting he and Phil Buchen, Counsel to the President, had with Messrs. Colby and [] this afternoon. He expressed concern that the Director's proposed letter to Senator Frank Church and the draft employee bulletin contain unequivocal commitments that the Director might later regret. He was particularly concerned with the statement that the Director would make any Agency employee available to the Senate Select Committee and also with the fact that the Committee would have access to current Agency employees without any coordination with Agency officials.

25X1A 2. Mr. Marsh said he recognized that it was all well and good for people in the White House to tell the Executive departments and agencies to hold the line in certain areas, but he had been through this same situation on the other end of the line when he was Deputy Assistant Secretary of Defense for Congressional Relations. I told him that I thought it was the Director's and [] position that we should not precipitate a confrontation with the Senate Select Committee on broad matters of principle. Rather, we should try to tackle problems one at a time. On the other hand, I could understand that the White House felt it needed to preserve future options.

3. In this connection, Mr. Marsh discussed the meeting between the President and Senators Church and Tower which apparently both Marsh and Dr. Kissinger attended. He said at that meeting Senator Church made it clear that he proposed to go into all Agency covert actions from 1949 to the present and this prospect Marsh found very disturbing. I have known Marsh

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for many years and so I spoke somewhat bluntly and directly to him. I said if there was concern about past covert actions there should be greater concern over the fact that under the recent amendments to the Freedom of Information Act the Agency is required to report to the appropriate committees of the Congress on all of its current covert operations. This should be a matter of even greater concern.

4. I asked Marsh what he recommended as alternatives. He said he was hard pressed to be specific but he at least felt that the language of the letter to Senator Church and the Employee Bulletin should be such that the Director was not fully committed in advance. He said he and Buchen had suggested to Mr. Colby and [] this afternoon that some changes be made in both the letter and the bulletin.

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5. Mr. Marsh was also concerned that there has not been the close cooperation between the Agency and the White House that he had hoped would take place. I told him it had been my understanding that Larry Silberman was to be a point of contact, but I understood he was currently out of town. In addition, I had the distinct impression that Silberman was a reluctant participant. Marsh said he appreciated that and at his suggestion we went to see Buchen.

6. Messrs. Marsh and Buchen talked about the need for designating a particular individual as a focal point within the White House on matters pertaining to the inquiries of the House and Senate Select Committees. It seems fairly clear that with the departure of Phillip Areeda and the possibility that Silberman will be working in this area for only a short period of time, that it will be necessary for the White House to designate another individual to take over this responsibility. Mention was made of the fact that a new attorney would be joining Buchen's staff in about ten days but I did not get his name. Buchen said in the meantime he plans to take a more active role in these matters and indicated that he would be in touch with [] in the next day or two.

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7. From our discussion it is clear to me that the White House staff (and I gather the President) are becoming increasingly concerned about the impact of the pending congressional inquiries both from the standpoint of the

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amount of information that may be disclosed and the crippling effect it might have on national security mechanisms and Presidential authority. (During the course of our private conversation, Marsh expressed concern that the current investigations would result in the disclosure of links

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8. All in all, Marsh's assessment of the situation was pretty grim.



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GEORGE L. CARY
Legislative Counsel

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